

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CORY WARE,

Plaintiff,

v.

OFFICER SPRINGS, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:20-CV-00060-RWS-CMC

ORDER

Plaintiff Cory Ware, an inmate proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

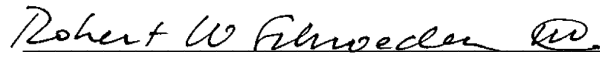
Ware complained of a loss of property which occurred when he was temporarily transferred to the Skyview Unit of the Texas Department of Criminal Justice, Correctional Institutions Division. The Magistrate Judge issued a Report recommending the case be dismissed because random and unauthorized deprivations of property do not violate procedural due process if the State furnishes an adequate post-deprivation remedy. *See Murphy v. Collins*, 26 F.3d 541, 543- 44 (5th Cir. 1994); *Caine v. Hardy*, 943 F.2d 1406, 1412 (5th Cir. 1991). Ware did not file objections to the Report, but instead filed a motion to dismiss his lawsuit (Docket No. 14).

The Court has reviewed the pleadings and the Report of the Magistrate Judge and agrees with the Report. Nonetheless, Ware's motion for voluntary dismissal (Docket No. 14) is **GRANTED**. *See Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) (plaintiff has absolute right to dismiss his complaint under FED. R. CIV. P. Rule 41(a) prior to the filing of an answer or motion for summary judgment); *Thomas v. Phillips*, 83 F. Appx. 661, 2003 WL 22965565 (5th

Cir. Dec. 17, 2003) (citing *Carter*). It is accordingly

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 1st day of March, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE